

any transmission provider or transmission customer do not constitute a subsidy for electric generation of any form.

**SA 2201.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40106(d)(4) of title I of division D, strike subparagraph (B).

In section 40106(d)(4) of title I of division D, redesignate subparagraph (C) as subparagraph (B).

**SA 2202.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40106(d)(4) of title I of division D, strike subparagraph (B).

In section 40106(d)(4) of title I of division D, redesignate subparagraph (C) as subparagraph (B).

In section 40106(j) of title I of division D, add at the end the following:

(9) **GENERATION SUBSIDY PROHIBITED.**—In administering the program, the Secretary shall ensure, through the issuance of rules and the adoption of practices and by other means, and shall certify in connection with any financial commitment under the program, that the benefits of the program, including any savings in transmission costs, to any transmission provider or transmission customer do not constitute a subsidy for electric generation of any form.

**SA 2203.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

#### **DIVISION K—POLITICAL INFLUENCE IN AWARDS**

##### **SEC. 01. POLITICAL INFLUENCE IN AWARDS.**

For each recipient of Federal funding under a division of this Act or an amendment made by a division of this Act, including a grant, loan guarantee, loan, or other award, the head of the agency or Department awarding the funding shall certify that political influence did not impact the selection of the recipient.

**SA 2204.** Mr. BARRASSO submitted an amendment intended to be proposed

to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division D, add the following:

##### **SEC. 402. DEFINITION OF CRITICAL MINERAL.**

Section 7002(a)(3)(B) of the Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)) is amended by striking clause (i) and inserting the following:

“(i) fuel minerals (other than fuel minerals that have 1 or more non-fuel uses that are essential to economic and national security);”.

**SA 2205.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40904(a)(1)(A) of division D, strike “1915” and insert “1917”.

In section 40904(a)(1)(B) of division D, strike “2-year period” and insert “3-year period”.

**SA 2206.** Mr. WICKER (for himself, Ms. STABENOW, Mr. INHOFE, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 331, strike lines 8 through 13 and insert the following:

“(L) a project described in section 149(b)(5) that does not result in the construction of new capacity;

“(M) a project that reduces transportation emissions at port facilities, including through the advancement of port electrification; and

“(N) a project that uses pavement technologies, including designs, materials, and practices, that reduce carbon emissions and transportation emissions, as established by the Federal Highway Administration in policy guidance consistent with subsection (d)(2)(B)(iii).”

**SA 2207.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER,

and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division D, add the following:

##### **SEC. 408. DETECTION, IDENTIFICATION, AND MITIGATION OF TREE SPIKING DEVICES ON FEDERAL LAND.**

(a) **SHORT TITLE.**—This section may be cited as the “Tree Spiking Mitigation Act”.

(b) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means—

(A) National Forest System land; and

(B) land under the jurisdiction of the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) **SECRETARIES.**—The term “Secretaries” means each of—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(3) **TREE SPIKING DEVICE.**—The term “tree spiking device” means any tree spiking device described in section 1864(d)(3) of title 18, United States Code.

(c) **AUTHORIZED ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretaries, acting in coordination, shall take necessary actions to ensure the detection, identification, and, as the Secretaries determine to be appropriate, mitigation of tree spiking devices located on Federal land.

(2) **PRIORITIZATION.**—For purposes of carrying out activities under paragraph (1), the Secretaries shall prioritize areas in which—

(A) incidences of tree spiking devices have occurred; or

(B) the Secretaries suspect that there are tree spiking devices.

(3) **MEMORANDA OF UNDERSTANDING.**—The Secretaries may enter into memoranda of understanding for carrying out activities on Federal land under this subsection.

(4) **USE OF EXISTING FUNDS.**—Of amounts made available for the Office of the Secretary of the Interior and the Office of the Secretary of Agriculture that are not otherwise obligated (including amounts made available under this Act), the Secretaries shall use to carry out this subsection \$10,000,000, to remain available until September 30, 2026.

(d) **UPDATES TO SAFETY GUIDELINES AND TRAINING PROTOCOLS.**—Not later than 90 days after the date of enactment of this Act, the Secretaries shall, where appropriate, update safety guidelines and training protocols to include the awareness, detection, identification, and mitigation of tree spiking devices.

**SA 2208.** Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division G, add the following:

#### **TITLE XII—PEAKER PLANTS**

##### **SEC. 71201. SHORT TITLE.**

This title may be cited as the “Promoting Energy Alternatives Is Key to Emission Reductions Act of 2021” or the “PEAKER Act of 2021”.